

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
May 17, 2011**

The **Regular Meeting** was called to order by Chairman Molinaro at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Zerban, Rose, Goebel, Celebre, Kubicki, Hallmon, Grulich, J. Gentz, Arrington, R. Frederick, Johnson, Michel, O'Day, Singer, B. Frederick, Kohlmeier, G. Gentz, Molinaro, Esposito, Clark, Noble, Underhill Breunig, Haas, Elverman, Ekornaas.

Excused: Supervisor Decker.

Present: 27. Excused: 1.

At this time, the 2010-11 Youth In Governance Members were recognized for their service and the 2011-12 Youth In Governance Members were appointed.

CITIZEN COMMENTS

Louis Rugani, 4526 29th Ave, spoke against the idea of creating race based districts. Creating minority districts will create segregation. This is against the 14th Amendment (equal protection amendment) of the United States. This is wrong on a moral and legal basis.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Molinaro stated anyone interested in attending the WCA should let the clerk know. Judy Rossow, a long time community business owner in Kenosha and a former County Board Supervisor received the 2010 Lifetime Achievement Award. The Executive Committee met for the first time. There is draft outline of expectations that will need to be met to provide for a casino IGA extension. They took a look at the budget process and are looking into an auditor position within the county board budget. They're going to be addressing with the IT Committee a better definition and distribution of the meeting minutes.

Chairman Molinaro recognized Al Brokmeier and his staff for all their hard work they put into the re-districting. He thanked the Re-districting Committee for handling a very difficult situation very well. He addressed the accusations made of the Re-districting Committee being partisan or not objective. He doesn't know how a committee cannot be objective when they offered every opportunity to everyone on the board to be a part of that process.

SUPERVISOR REPORTS

Supervisor Elverman stated it was requested to look into how many of employees and contractors who are working on the Courthouse/Molinaro Building restoration are from Wisconsin. This month 19 are from Wisconsin, 5 are from Kenosha. This accounts for 85% of the employees on the job at this time. There are a lot of projects behind schedule with the Highway Department because of the weather. Same goes for the parks regarding golf courses.

Supervisor Clark reported the Public Safety Building project is virtually complete and came in within budget. There is going to be tight limits on local property taxes. The committee will bring forward the budget levy resolution. He hopes as the board discusses the resolution that maybe there's more discussion on budget priorities. As the budget is making its way through the State, he encourages everyone to take a look at it and talk to their elected officials regarding the Income Maintenance Positions. It's important to have the work done at the local level where our citizens who need those services can see a face. There were concerns about Brookside closing with a deficit last year. There will be a report from Brookside at the next Finance Meeting. They would like to know what happened last year, but more importantly they want to make sure it doesn't happen again. Sales tax collections are up compared to budget. Tax collections have been at a better pace which hopefully means tax delinquencies are going to be down.

NEW BUSINESS

Ordinance - one reading

ORDINANCE 1

1. Bank Mutual, Inc.,(Owner), Metz Medical,(Agent) requests a rezoning from A-2 General Agricultural Dist. to I-1 Institutional Dist. in the Town of Somers.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF
KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

2.

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcel #80-4-222-161-0104 located in the NE ¼ of Section 16, T2N, R22E, Town of Somers, to be changed from A-2 General Agricultural District to I-1 Institutional District. For informational purposes only, this property is located on the southwest corner of 12th Street & 72nd Avenue.

SUBMITTED BY:

Planning, Development & Extension Education Committee

Kimberly Breunig

Daniel Esposito

Aaron Kohlmeier

Michael Underhill

Erin Decker

Dayvin Hallmon

Michael Goebel

Chairman Molinaro passed the gavel to Vice-chairman Ekornaas for Ordinance 1.

It was moved by Supervisor Breunig to adopt Ordinance 1. Seconded by Supervisor Esposito.

Motion carried

Resolutions - one reading

RESOLUTION 7

7. From Supervisors Rose and Celebre a Resolution supporting the Wisconsin Idea Partnership Proposal.

WHEREAS, the Kenosha County Board values the joint resources and partnerships of the University of Wisconsin-Parkside, UW Extension Cooperative Extension, Kenosha County, and the entire UW System, and

WHEREAS, the Wisconsin Idea Partnership Keeps the UW System together and focuses on access, affordability, and accountability, and

WHEREAS, fragmentation of the UW System will diminish the ability of UW-Parkside and the UW-Extension Cooperative Extension to make the vast stores of knowledge and expertise possessed by the UW System faculty and staff through partnerships with 26 UW System campuses, 72 Wisconsin counties, three tribal governments and other public and private organizations, and

WHEREAS, fragmentation of the UW System will jeopardize the shared research and outreach activities between UW-Madison and other parts of the UW System and will eliminate a shared set of policies and procedures that aid in research and teaching collaborations between the institutions that make it easier for information and research to be disseminated and partnerships to take hold; and

WHEREAS, UW-Parkside and UW-Extension cooperative Extension values increased flexibility with the UW System in the areas of human resources, procurement, financial management, construction accountability, and

NOW THEREFORE BE IT RESOLVED that Kenosha County Board endorses the Wisconsin Idea Partnership as proposed by the UW System and its Board of Regents.

BE IT FURTHER RESOLVED that the County Clerk is directed to forward copies of the herein Resolution to the Governor, state and federal legislative representatives having constituencies in Kenosha County, the Wisconsin Counties Association, and such other public officials as the Clerk may deem appropriate.

SUBMITTED BY:

Terry Rose

David Celebre

It was moved by Supervisor Rose to suspend the rules for Resolution 7 so it can be acted upon immediately. Seconded by Supervisor Celebre.

Motion carried.

It was moved by Supervisor Rose to adopt Resolution 7. Seconded by Supervisor Celebre.

Motion carried.

RESOLUTION 8

8. From the Finance/Administration Committee a Resolution to approve the placement of an Assistant Superintendent of Golf in the Non-Represented Employee Pay Plan.

WHEREAS, establishing the management position Assistant Superintendent of Golf and placing it in the Non-Represented Employee Pay Plan has been determined to be to the managerial and fiscal benefit of the Kenosha County golf operations, and

WHEREAS, the cost of establishing the Assistant Superintendent will come from a corresponding elimination of a represented position in Local 1090 and will require no additional funding, and

WHEREAS, any additional cost for the position will be more than offset by having an employee that can work additional hours during the golf season without incurring overtime, having maintenance supervision on both golf courses in addition to having a backup for the current Golf Course Conditions Supervisor, and

WHEREAS, the Finance/Administration Committee of the County Board have reviewed the proposal and the job description and have determined it in the best interest of Kenosha County and its golf operation, and

WHEREAS, THE Assistant Superintendent of Golf will be place in the Kenosha County Non-Represented Employee Pay Plan in wage range C and an additional \$1,500 in 2012 and 2013.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors approves the addition of the position of Assistant Superintendent of Golf and the elimination of a Golf Maintenance position.

SUBMITTED BY:

Finance/Administration Committee

Joseph Clark

John O'Day

Jeffrey Gentz

Fred Ekornaas

Terry Rose

David Singer

William Grady

It was moved by Supervisor Clark to adopt Resolution 8. Seconded by Supervisor O'Day.

Roll call vote.

Aye: Supervisors Grady, Zerban, Goebel, Celebre, Kubicki, Hallmon, Grulich, J. Gentz, Arrington, R. Frederick, Johnson, Michel, O'Day, Singer, B. Frederick, Kohlmeier, G. Gentz, Molinaro, Esposito, Clark, Noble, Underhill Breunig, Haas, Elverman, Ekornaas.

Nay: Supervisor Rose.

Aye: 26. Nay: 1.

Motion carried.

RESOLUTION 9

9. From the Finance/Administration Committee a Resolution Implementing Tax Code "Pick-up" of Employee Retirement Contributions Pursuant to Internal Revenue Code § 414(h)(2).

WHEREAS, Internal Revenue Code ("Code") section 414(h)(2) permits public employers to "pick up" contributions to a governmental pension plan that are designated as employee contributions so that they may be paid for on a pre-tax basis, and thereby be excluded from an employee's taxable income, provided that the contributions are paid by the employer in lieu of contributions by the employee, and the employee may not elect, directly or indirectly, to receive the amounts instead of having them paid by the employer; and

WHEREAS, The 2011 Wisconsin Act 10 requires local governmental employees to pay the employee contribution portion to the WRS/ETF pension plan, which could result in employees paying income tax on such wages both at the time of contribution and at the time of receiving pension distributions; and

WHEREAS, The Kenosha County Board of Supervisors has determined that taking this action does not increase the County's cost of funding the retirement benefits owed to the Wisconsin Retirement System and chooses to take this action in order to allow covered employees to exclude such amounts from their taxable income due to the application of Code Section 414(h)(2).

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Internal Revenue Code section 414(h)(2), the County of Kenosha hereby elects to pick-up all contributions designated as employee contributions that its covered employees owe to the Wisconsin Retirement System (WRS) Pension Plan, **when such employee contributions are required under 2011 Wis. Act 10 or a similar Wisconsin law or Kenosha County Requirement.**

2. Pursuant to this resolution, all such contributions that are designated as employee contributions to WRS will be paid by the County in accordance with the rules of Code section 414(h)(2). These pick up contributions will be withheld from employee wages as a condition of employment with no individual discretion by employees to have some other amount withheld or to have no amount withheld.
3. The effective date of this resolution is the date of publication and contributions to WRS made prior to such date will not be subject to these provisions.

SUBMITTED BY:
Finance/Administration Committee
Joseph Clark
John O'Day
Jeffrey Gentz
Fred Ekornaas
Terry Rose
David Singer
William Grady

It was moved by Supervisor Clark to adopt Resolution 9. Seconded by Supervisor J. Gentz.
Motion carried.

RESOLUTION 10

10. From Judiciary & Law and Finance/Administration Committees regarding Organized Crime Drug Enforcement Task Forces - Supplement.

WHEREAS, the federal Organized Crime Drug Enforcement Task Forces (OCDETF) office has allocated \$10,000 to the Sheriff's drug unit, K-DOG, to cover overtime costs incurred while assisting in an OCDETF drug trafficking investigation, and

WHEREAS, the effective date of this round of funding is April 1, 2011 and terminates September 30, 2011, and

WHEREAS, the Sheriff will submit reimbursement claims monthly to OCDETF Executive Office for the overtime worked, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the \$10,000 and approve the Revenue and Expenditure line item modifications to the Sheriff's 2011 budget as per the attached budget modification form, which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that any unobligated funds remaining at year end be hereby authorized for carryover to the subsequent year until such time as the funds are expended in accord with the OCDETF requirements, and that Administration be authorized to modify the grant appropriations among various budget and expenditure units within the Sheriff's Department in accordance with all federal and state regulations of the program and in compliance with generally accepted accounting principles.

SUBMITTED BY:
Judiciary & Law Committee
William Michel, II
Robert Haas
Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 10. Seconded by Supervisor Clark.
Roll call passed unanimously.

RESOLUTION 11

11. From Judiciary and Law regarding Probationary Cabaret License - Buoy's Lakeside Pub and Grill.

WHEREAS, the application of Paul Billings for a probationary cabaret license for Buoy's Lakeside Pub and Grill, 39408 Bloomfield Road, Powers Lake Wisconsin, in the Town of Randall, was made during the month of March, was turned over to this office on March 28th, 2011, and

WHEREAS, the Kenosha Sheriff's Department has conducted an inspection of the premises, and

WHEREAS, the premises were found to be in conformity with the Cabaret Ordinance Number 8.02

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Paul Billings for Buoy's Lakeside Pub and Grill.

SUBMITTED BY:

Judiciary & Law Committee

William Michel, II

Robert Haas

Ronald Johnson

David Singer

It was moved by Supervisor Michel to adopt Resolution 11. Seconded by Supervisor Haas. Motion carried.

RESOLUTION 12

12. From the Re-districting Committee regarding Adoption of revised Supervisory District boundaries for 2012-2022.

WHEREAS, Art. I, Sec. 2 of the United States Constitution and federal law call for a decennial census to be taken and used as the basis for reapportioning or determining the number of representatives each state has in the House of Representatives; and

WHEREAS, each decennial census is used to redistrict or change district boundary lines for representatives at other state and local levels of government, including district boundary lines for state representatives, county board supervisors and city aldermen so as to comply with the United States Supreme Court mandate of "one man, one vote" as set forth in the case of Reynolds v. Sims, 377 U.S. 533 (1964); and

WHEREAS, Wisconsin Statutes Sec. 59.10 (3)(b) requires that each county in the State of Wisconsin complete a tentative district boundary map for county board supervisors within 60 days of receipt of official census figures and further that such tentative plan then be sent to the various municipalities within the county for the purpose of determining ward boundary lines within each district; and

WHEREAS, at the end of 60 days, each municipality must submit its ward boundary plan back to the county board for final approval as an ordinance within 60 days after receipt of such ward boundary plan; and

WHEREAS, U.S. Census Bureau 2010 figures and data were received by Kenosha County on March 24, 2011 thus giving the Kenosha County Board of Supervisors until May 23, 2011 to complete its tentative plan for county board district boundary lines; and

WHEREAS, upon the receipt of such U.S. Census Bureau 2011 figures and data, the Kenosha County Office of Land Information utilized approved software (Wisconsin Shape Editor for Local Re-districting [WISELR]) to draw tentative plan proposals based upon the Board of Supervisor's determination to set the number of districts at 23; and

WHEREAS, upon completion of initial first drafts, opportunities for input were given to the various municipalities within Kenosha County as well as to special interest and minority groups and the public at large at open meetings held on March 22, April 25 and May 5, as well as public hearings on May 9 and 16, 2011; and

WHEREAS, upon receiving such input, a revised tentative plan [Exhibit 1, where Exhibit 2 is the map for the City of Kenosha and Exhibit 2A is the map for non-city supervisory districts] was drawn and recommended to the Redistricting Committee for approval; and

WHEREAS, the proposed tentative plan follows federal and state standards and guidelines in determining district boundaries, to wit: equal population, compactness, community of interests within a district, compliance with the Voting Rights Act, preservation of political subdivisions, preservations of cores of prior districts and incumbents; and

WHEREAS, the attached proposed tentative plan to be presented to the various municipalities and subdivisions of Kenosha County has been endorsed by various representatives of municipalities and special interest and minority groups;

NOW, THEREFORE, BE IT RESOLVED that the attached plan labeled as Exhibit 1 which is incorporated herein as if fully set forth and titled "Proposed Tentative Kenosha County Supervisory District Plan - 2011" be approved by the Kenosha County Board of Supervisors and forwarded to the City of Kenosha and various Villages and Towns for the purpose of drawing ward boundary lines.

SUBMITTED BY:

Judiciary & Law Committee

William Michel, II

Robert Haas

Ronald Johnson

It was moved by Supervisor Ekornaas to adopt Resolution 12. Seconded by Supervisor Clark.

It was moved by Supervisor Ekornaas to amend Resolution 12 to replace the words in the last paragraph "the attached plans labeled as Exhibits 1 and 1A which are ..." with "the attached plan labeled as Exhibit 1 which is...". Seconded by Supervisor Breunig.

Motion carried.

Resolution 12 passed at amended.

COMMUNICATION

1. From George E. Melcher, regarding future items scheduled before the Planning, Development & Extension Education Committee.

Chairman Molinaro referred Communication 1 to Planning, Development and Extension Education Committee.

CLAIMS

1. Lorona Mejia - vehicle damage.

2. Ralph Frederic Marsiliano -4th Amendment Right violated while incarcerated.

Chairman Molinaro referred Claims 1 & 2 to Corporation Counsel.

It was moved by Supervisor R. Frederick to approve the May 3, 2011 minutes. Seconded by Supervisor Michel.

It was moved by Supervisor Noble to adjourn. Seconded by Supervisor Esposito. Motion carried.

Meeting adjourned at 9:00 p.m.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Mary T. Schuch-Krebs
County Clerk